

1  
2  
3  
4  
5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 JED W. WHITLEY, *et al.*,

9 Plaintiffs,

10 v.

11 THE RITCHIE GROUP, *et al.*,

12 Defendant.  
13

Case No. C17-0673RSL

ORDER DENYING MOTION FOR  
TEMPORARY RESTRAINING  
ORDER

14 This matter comes before the Court on plaintiffs' "Motion for Temporary Restraining  
15 Order Pursuant to LCR 65(b) and FRCP 65." Dkt. # 43. On April 28, 2017, defendants recorded  
16 notices of trustee sale regarding two properties in which plaintiffs have an interest. The sales  
17 were scheduled for August 4, 2017. Plaintiffs filed this action on May 1, 2017, asserting RICO  
18 claims arising out of defendants' attempts to foreclose on their properties. Three days before the  
19 scheduled sale, plaintiffs filed this motion for injunctive relief enjoining and restraining the sale.

20 Although plaintiffs' motion is captioned as a motion for a temporary restraining order,  
21 notice was given to defendants through the Court's CM/ECF filing system. Plaintiffs make no  
22 effort to explain why this motion was not characterized as a motion for preliminary injunction  
23 and noted for consideration on the fourth Friday after filing, as specified in LCR 7(d)(3). Nor do  
24 they explain why they waited three months to seek injunctive relief. While the Court is cognizant  
25 of the harm that can arise from the wrongful foreclosure and sale of a person's home, our entire  
26

ORDER DENYING MOTION FOR  
TEMPORARY RESTRAINING ORDER

1 system of jurisprudence depends on the assumption that, absent extraordinary circumstances,  
2 both parties will have reasonable notice and an opportunity to be heard before the Court takes  
3 action. Granny Goose Foods, Inc. v. Bhd. of Teamsters, 415 U.S. 423, 439 (1974). Although  
4 notice has been given in this case, plaintiffs filed a twenty-five page memorandum addressing  
5 complex RICO issues to which defendants would have only one day to respond if there were any  
6 hope that the Court could issue a decision before the sale occurred. Absent some exigency not of  
7 plaintiffs' own making, the Court will not excuse the failure to comply with the local noting  
8 rules despite the presumed harm that will arise from the sale of plaintiffs' properties.

9  
10 The motion for a temporary restraining order is DENIED.

11  
12 Dated this 1st day of August, 2017.

13   
14 Robert S. Lasnik  
15 United States District Judge  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26